

## DEVELOPMENT OF AMENDMENTS TO RULES CONCERNING THE READOPTION OF 329 IAC 1-1; 329 IAC 12-2; AND 329 IAC 13-3 PURSUANT TO IC 13-14-9.5 #00-47(2)(SWMB)

### Overview

The Indiana Department of Environmental Management (IDEM) opened the following rules in Title 329 of the Indiana Administrative Code pursuant to comments received under IC 13-14-9.5: 329 IAC 1-1, 329 IAC 12-2, and 329 IAC 13-3. This rulemaking is required pursuant to IC 13-14-9.5, which provides for the expiration and readoption of administrative rules. A rule that was adopted under a provision of IC 13 and was in effect on December 31, 1995, expires not later than January 1, 2002. All rules adopted after that date under IC 13-14-9, with some exceptions listed in IC 13-14-9.5-1, expire on January 1 of the seventh year after the year in which each rule takes effect. The First Notice of Comment Period and Continuation of First Notice of Comment Period opened all rules required to be opened in Title 329 for readoption, regardless of their initial effective date.

Rules being readopted in this rulemaking are shown in their entirety with minor changes to update the rules.

### Citations Affected

329 IAC 1-1; 329 IAC 12-2; 329 IAC 13-3

### Affected Persons

This rulemaking will not affect any person or entities other than those affected by the rule originally.

### Reason(s) for the Rule

This rule will readopt existing rule language with corrections. This rulemaking is required pursuant to IC 13-14-9.5.

### Economic Impact of the Rule

There are no economic impacts due to this rule.

### Benefits of the Rule

These rules were evaluated for content and consistency. Some amendments were made to update the rules and sections removed that were inconsistent with the article. This rulemaking will prevent these rules from expiring on January 1 of the seventh year after the year in which each rule takes effect.

### Description of the Rulemaking Project

This rulemaking is required pursuant to IC 13-14-9.5, which provides for the expiration and readoption of administrative rules. Rules being readopted in this rulemaking are shown, in their entirety, as draft rules with

several exceptions.

### Scheduled Hearings

First Public Hearing: November 21, 2000, 1:30 p.m., Indiana Government Center South, Conference Center Room A; continued to January 16, 2001, 1:30 p.m., Indiana Government Center South, Conference Center Room A.

### Consideration of Factors Outlined in Indiana Code 13-14-8-4

Indiana Code 13-14-8-4 requires that in adopting rules and establishing standards, the board shall take into account the following:

- 1) All existing physical conditions and the character of the area affected.
- 2) Past, present, and probable future uses of the area, including the character of the uses of surrounding areas.
- 3) Zoning classifications.
- 4) The nature of the existing air quality or existing water quality, as appropriate.
- 5) Technical feasibility, including the quality conditions that could be reasonably be achieved through coordinated control of all factors affecting the quality.
- 6) Economic reasonableness of measuring or reducing any particular type of pollution.
- 7) The right of all persons to an environment sufficiently uncontaminated as not to be injurious to:
  - (A) human, plant animal, or aquatic life; or
  - (B) the reasonable enjoyment of life and property.

### Consistency with Federal Requirements

There are no federal requirements regarding state readoption of rules.

### Rulemaking Process

The first step in the rulemaking process is a first notice published in the *Indiana Register*. This includes a discussion of issues and opens a first comment period. The second notice is then published that contains the comments and the departments responses from the first comment period, a notice of first meeting/hearing, and the draft rule. The Solid Waste Management Board holds the first meeting/hearing and public comments are heard. The proposed rule is published in the *Indiana Register* after preliminary adoption along with a notice of second meeting/ hearing. If the proposed rule is substantively



# Rule Fact Sheet

April 30, 2001

different from the draft rule, a third comment period is required. The second public meeting/hearing is held and public comments are heard. Once final adoption occurs, the rule becomes effective 30 days after filing with the Secretary of State.